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Response Under 37 C.F.R. § 1.116
Group Art Unit 2623, Expedited Procedure
Docket No. 00862.002821.

In re Application of:

TAKAHIRO MATSUURA

Appln. No.: 09/305,313

Examiner: C.M. Larose

Filed: May 5, 1999

Group Art Unit: 2623

For: IMAGE PROCESSING APPARATUS
AND METHOD

Date: February 10, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

Sir:

Transmitted herewith is a Request For Reconsideration in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	* 15	MINUS	** 20	= 0	x \$9 \$18	\$0
INDEP. CLAIMS	* 3	MINUS	*** 6	= 0	x \$43 \$86	\$0
Fee for Multiple Dependent claims \$145°/\$290						\$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$0

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.
- ☐ A check in the amount of \$____ is enclosed.
- ☐ Charge \$____ to Deposit Account No. 06-1205. A duplicate copy of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Patent and Trademark Office is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
- ☐ A check in the amount of \$____ to cover the Extension fee for response with a____-month extension is enclosed.
- ☐ A check in the amount of \$____ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100 or by facsimile at (212) 218-2200. All correspondence should continue to be directed to our address given below.

Respectfully submitted,


Attorney for Applicant

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#16
2-20-04

00862.002821.

Response Under 37 C.F.R. § 1.116
Group Art Unit 2623, Expedited Procedure
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
: Examiner: C.M. Larose
TAKAHIRO MATSUURA)
: Group Art Unit: 2623
Application No.: 09/305,313)
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REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action dated November 19, 2003, Applicant
respectfully requests consideration in view of the following remarks, which begin at page 2.

This application has been reviewed in light of the Office Action dated November 19, 2003. Claims 1, 3-9, and 11-17 are presented for examination, of which Claims 1, 9, and 17 are in independent form. Favorable reconsideration is requested.

Claims 1, 3-6, 9, 11-14, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,442,717 (*Murakami*), and Claims 7, 8, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Murakami* in view of U.S. Patent No. 6,351,558 (*Kuwata*).¹

Applicant respectfully traverses the rejection of Claims 1, 3-9, and 11-17 for the following reasons.

The aspect of the present invention set forth in Claim 1 is an image processing apparatus that includes a detector, a generator, and a corrector. The detector detects an image area of an inputted image, not including a frame image. The generator generates correction information of the detected image area, and the corrector corrects the image area based on the generated correction information. The detector detects the frame image, which has gradation, by using a detection method of determining whether or not a pixel of interest and pixels adjacent to the pixel of interest have a same hue and a difference between lightness and saturation having a predetermined value or less.

One of the notable features of Claim 1 is that the image processing apparatus detects a frame that has gradation by using a detection method of determining whether or not a pixel of interest and pixels adjacent to the pixel of interest have a same hue and a difference

¹/The Office Action identifies the secondary reference only as "*Kawata*". Applicant assumes the Examiner intended refer to the noted patent of *Kuwata*, as no *Kawata* reference is of record, and as the references in the Office Action to specific portions of the secondary reference are consistent with *Kuwata*.

between lightness and saturation having a predetermined value or less. That is, the image processing apparatus uses a detection method to detect a frame image included in an inputted image, which has gradation.

Murakami relates to a sharpness processing apparatus that is used, for example, in a video plate-making process for enhancing or suppressing tone variations in the outline portions of an original image. As understood by Applicant, *Murakami* discusses that the sharpness processing apparatus effects sharpness processing for a particular region of an original image having gradually changing image signals.

The Office Action cites *Murakami* at column 12, lines 37-60, as disclosing detecting a frame that has gradation by using a detection method of determining whether or not a pixel of interest and pixels adjacent to the pixel of interest has the same hue, and a difference between lightness and saturation having a predetermined value or less. Applicant respectfully disagrees.

Column 12, lines 37-60, is understood merely to discuss that a pixel of interest (Hu, Su, and Lu) is compared with all of the pixels (Hij, Sij, and Lij) of an image stored in a first frame memory 2 of the sharpness processing apparatus. That is, an operator designates an image region to effect sharpness processing by selecting a position of a reference color in an image displayed on a monitor 3. The color components of R, G, and B of the read color are Ru, Gu, and Bu (column 5, lines 5-22). The Hu, Su, and Lu values represent attribute values (i.e., H for hue, S for saturation, and L for lightness) corresponding to the Ru, Gu, and Bu signals of a reference color (column 6, lines 34-36). Whereas, the Hij, Sij, and Lij values stored in a second pixel value memory 14 correspond to Rij, Gij, and Bij signals of the pixels stored in a first frame memory 2, where the suffixes "i" and "j" represent indexes of a pixel in the horizontal and

vertical directions. A comparator 16 compares the Hu, Su, and Lu values stored in the first pixel value memory 6 and Hij, Sij, and Lij values successively stored in second pixel value memory 14 to determine whether the absolute differences therebetween are larger than the values of dH, dS, and dL, which represent an effective range in HSL values. That is, column 12, lines 37-60, as pointed out above, merely discusses that a pixel of interest (Hu, Su, and Lu) is compared with all of the pixels (Hij, Sij, and Lij) of an image stored in the first frame memory 2 of the sharpness processing apparatus. However, nothing has been found, or pointed out, in *Murakami* that would teach or suggest an image processing apparatus detecting a frame that has gradation by using a detection method of determining whether or not a pixel of interest and pixels adjacent to the pixel of interest have a same hue and a difference between lightness and saturation having a predetermined value or less, as recited in Claim 1.

Accordingly, Applicant submits that Claim 1 is clearly patentable over *Murakami*.

Independent Claims 9 and 17 are method and computer program product claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable over *Murakami* for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the

invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,


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